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August 27, 2012

Honorable Arthur D. Spatt
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-9014

Re: Corpac v. Rubin & Rothman, LLC et al.
10-cv-4165

Dear District Judge Spatt:

I am compelled to communicate herein with Your Honor based upon the fact that attorneys Brian Bromberg and Matthew Schedler continue to advance baseless serious allegations of misconduct against me.

As the Court has allowed both the Plaintiff and the Defendant to formally file reply papers in regard to the most recent filings by Mr. Bromberg and Mr. Schedler, nothing herein should be interpreted as an attempt to exceed the page limitations in regard to the Defendant's forthcoming reply. However, as Mr. Bromberg and Mr. Schedler continue to assert serious false allegations against me personally which are patently baseless, it is imperative that I immediately refute same.

Since filing their notices of appearance in the above-entitled action these attorneys have falsely accused me of engaging in actions which created an unethical conflict of interest with Plaintiff's counsel, William Horn, in regard to the negotiation of the class settlement agreement. Despite the fact that my on the record advisements to the Court, and other documents which have been filed, clearly establish that I was never party to any of the negotiations which led to the class settlement agreement, Mr. Bromberg and Mr. Schedler continue to insist upon arguing that I *did* participate in said settlement negotiations. (Dkt. No. 46).

In addition to the false charge that I participated in actions which abetted an unethical conflict of interest, Mr. Bromberg has advised Your Honor that he "stands by" his characterization of another class action settlement negotiated in *Gravina v. NES* 09-cv-2942 wherein I served as co-counsel for the plaintiffs, i.e. that I gave a "payoff" to my clients. After Mr. Bromberg first made

this false accusation against me in a letter dated August 25, 2010 to District Judge Joseph Bianco of this Court, I sent to him a correspondence wherein I advised that the Merriam-Webster dictionary defines payoff as “the act or occasion of receiving money or material gain especially as a bribe.” I asked Mr. Bromberg to provide proof of his baseless claim or, in the alternative, to retract it. Mr. Bromberg has ignored my correspondence. It is especially incredible that Mr. Bromberg now advises this Court that he “stands by” his baseless allegation of payoff after being advised by me in writing that his accusation was perceived by me as a claim that I engaged in criminal and unethical conduct. (Dkt. No. 46, page 20).

In his correspondence dated July 2, 2012 filed in this action (Dkt. No. 24) Mr. Bromberg, in referring to Mr. Horn’s allegations of kickbacks between Mr. Bromberg and Mr. Schedler (to which I do not concur with nor join Mr. Horn in regard thereto), wrote as follows:

“Not only are these allegations false, but this charge is serious- if Mr. Horn has evidence of this, he should offer it to the Court. If, instead, the claim was made without evidence, the Court should address it in an appropriate fashion.”

Needless to say Mr. Bromberg’s very words are applicable to the false claims that I engaged in payoffs to class representatives and unethical class settlement negotiations with Mr. Horn which abetted an unethical conflict of interest. As neither Mr. Bromberg nor Mr. Schedler have offered any evidence to this Court to support their allegations against me, this Court should address their conduct in an appropriate fashion.

I implore Your Honor to undertake actions to both stop Mr. Bromberg and Mr. Schedler from baselessly advancing these serious allegations of misconduct against me and to hold each responsible for their actions to date.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

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cc: William F. Horn, Esq. via email
Brian Bromberg, Esq. via email
Matthew Schedler, Esq. via email

